



# Senate

## File No. 790

General Assembly

January Session, 2003

**(Reprint of File No. 230)**

Substitute Senate Bill No. 1111  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 30, 2003

### **AN ACT CONCERNING THE SALE OF ELECTRIC, GAS AND OIL FIRED HEATING UNITS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this  
2 section:

3 (1) "Electric heating unit" means a pressure vessel, indirect fired  
4 heater, furnace, heat pump or baseboard heater designed to use  
5 electricity to provide heat or domestic hot water for a one or two  
6 family residential dwelling.

7 (2) "Gas heating unit" means a pressure vessel, indirect fired heater,  
8 furnace, infrared heater, space heater, unit heater or gas burner  
9 designed to burn natural gas, gas or propane to provide heat or  
10 domestic hot water for a one or two family residential dwelling.

11 (3) "Oil fired heating unit" means a pressure vessel, indirect fired  
12 heater, furnace, unit heater, space heater or oil burner designed to burn  
13 fuel oil, kerosene or waste oil to provide heat or domestic hot water for

14 a one or two family residential dwelling.

15 (4) "Commissioner" means the Commissioner of Consumer  
16 Protection.

17 (b) No person shall sell an electric or gas heating unit or oil fired  
18 heating unit requiring a building permit for installation in a one or two  
19 family residential dwelling unless the purchaser of the unit provides  
20 the seller with (1) the name and a copy of the occupational license of a  
21 properly licensed contractor who is purchasing the unit, or (2)  
22 verification that such building permit has been issued for the  
23 installation of the unit.

24 (c) Prior to releasing the unit specified in subsection (b) of this  
25 section to the purchaser, the seller shall record, in writing, the  
26 following information: (1) The date of purchase of the unit, (2) the  
27 name and address of the purchaser, (3) the contractor's name and  
28 occupational license number, if applicable, (4) a copy of the building  
29 permit and the name of the municipality that issued the permit, if  
30 applicable, and (5) the location where the unit will be installed. The  
31 seller shall maintain such records for a minimum of three years from  
32 the date of sale. The seller shall permit the commissioner, or the  
33 commissioner's authorized agents, to inspect and copy such records  
34 during normal business hours.

35 (d) The commissioner may impose a civil penalty of not more than  
36 one thousand dollars for each violation of this section. For purposes of  
37 this subsection, each sale of a unit in violation of subsection (b) or (c) of  
38 this section shall constitute a separate violation.

39 (e) The provisions of this section shall not apply to the following: (1)  
40 Manufacturers of electric or gas heating units or oil fired heating units,  
41 (2) the state or a political subdivision of the state, and (3) hearth  
42 products. As used in this subsection, "hearth products" means propane  
43 or natural gas fueled fireplaces, fireplace inserts, stoves, log sets and  
44 associated venting and accessories that simulate the flame of a solid  
45 fuel fire.

|  |                        |
|--|------------------------|
| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2003</i> |

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

| <b>Agency Affected</b>     | <b>Fund-Type</b>            | <b>FY 04 \$</b> | <b>FY 05 \$</b> |
|----------------------------|-----------------------------|-----------------|-----------------|
| Consumer Protection, Dept. | GF - Potential Revenue Gain | Indeterminate   | Indeterminate   |

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

This bill requires the purchaser of an electric, gas and oil-fired heating unit that requires a building permit for its installation to present to the seller either 1) the name and a copy of the occupational license or 2) proof that a building permit for the installation has been issued. The seller must record and maintain the information for a period of three years and allow consumer protection staff to inspect and copy the records. The Commissioner of Consumer Protection may impose a civil penalty of \$1,000 per violation.

Passage of this bill could result in a potential revenue gain from the imposition of fines; however, such potential revenue gain is at present indeterminate.

Any resultant workload increase can be performed by current staff without the need for additional budgetary resources.

House "A" strikes the original bill. It redefines electric, gas and oil-fired heating units, applies the bill to heating units for residential one- and two-family dwellings, and adds 3 exemptions as follows: 1) manufacturers of the 3 types of heating units addressed in the bill, 2) the state or a political subdivision of the state and 3) hearth products such as fireplaces and associated accessories. The amendment has the

potential revenue gain stated above.

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**OLR Bill Analysis**

sSB 1111 (as amended by House "A")\*

**AN ACT CONCERNING THE SALE OF ELECTRIC, GAS AND OIL FIRED HEATING UNITS****SUMMARY:**

This bill prohibits the sale of electric, gas, and oil-fired heating units that require a building permit for installation in a one- or two-family dwelling unless the purchaser provides the seller with either (1) the name, and a copy of the occupational license, of the contractor purchasing the unit or (2) proof that a building permit for installation has been issued. It requires the seller to record certain information in writing at the time of sale and to maintain the records for at least three years. The seller must permit the consumer protection commissioner or his agents to inspect and copy the records during normal business hours. The bill authorizes the commissioner to fine violators \$1,000 for each violation, and makes each sale of a unit that does not meet these provisions a separate violation.

The bill exempts (1) manufacturers of electric, gas, and oil-fired heating units; (2) the state and its political subdivisions; and (3) hearth products. The bill defines "hearth products" as propane or natural gas fueled fireplaces, fireplace inserts, stoves, log sets and associated venting and accessories that simulate the flame of a solid fuel fire.

\*House Amendment "A" (1) redefines the three types of heating units; (2) applies the bill to heating units for residential one- and two-family dwellings rather than to heating units for all residential, commercial and industrial buildings; and (3) adds the exemptions.

EFFECTIVE DATE: October 1, 2003

**SALES RECORDS**

Before releasing an electric, gas, or oil-fired heating unit to the purchaser, the seller must record in writing:

1. the date the unit was purchased;
2. the name and address of the purchaser;
3. the location where the unit will be installed; and
4. either the contractor's name and occupational license number or a copy of the building permit and the name of the municipality that issued it.

## **HEATING UNITS**

The bill covers heating units designed to provide heat or domestic hot water to a one- or two-family residential dwelling. It defines "electric heating units" as pressure vessels, indirect fired heaters, furnaces, heat pumps, and baseboard heaters. It defines "gas-heating units" as pressure vessels, indirect fired heaters, furnaces, infrared heaters, space heaters, unit heaters, and gas burners. It defines "oil-fired heating units as pressure vessels, indirect fired heaters, furnaces, unit heaters, space heaters, and oil burners.

## **BACKGROUND**

## **COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 17      Nay 0